

Exhibit 17

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Benjamin Craig, Individually)	File No. 18-cv-0296
and on Behalf of All Others)	(MJD/KMM)
Similarly Situated, et al,)	
)	
Plaintiffs,)	Minneapolis, Minnesota
)	June 25, 2020
vs.)	2:00 p.m.
)	
CenturyLink, Inc., et al,)	DIGITAL AUDIO
)	RECORDING TRANSCRIPT
Defendants.)	

BEFORE THE HONORABLE KATE M. MENENDEZ
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE
(TELEPHONE CONFERENCE)

APPEARANCES

For the Plaintiffs:	BERNSTEIN LITOWITZ BERGER & GROSSMAN LLP MICHAEL D. BLATCHLEY, ESQ. MICHAEL M. MATHAI, ESQ. AMANDA BOITANO, ESQ. 1251 Avenue of the Americas Suite 44th Floor New York, New York 10020
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1 communications between the plaintiffs and the -- or the
2 plaintiffs' counsel and the Minnesota AG could ever actually
3 even lead to discoverable evidence, let alone having a
4 difficult time picturing how communications from counsel
5 could be used in an impeachment context. I understand
6 impeachment is a big tent. I thought a lot about it back
7 when I was a litigator. But I don't find that this is
8 likely to lead to evidence even that leads to discoverable
9 evidence, and I find that actually the entire theory of
10 relevance here is much more amply and soundly proven through
11 other methods and methodologies.

12 I don't accept Mr. Gibbs' suggestion that I am
13 somehow out on a limb in crazy land by suggesting that it
14 would be better to get information from a third party than a
15 party to the litigation. I think that's a little bit of a
16 simplistic comparison in this case. The third party at
17 issue is also engaged in extensive litigation, or has been,
18 with the defendants. There's been enormous information
19 shared about the AG's conclusions about what the AG found,
20 what they said, what their investigation led to.

21 This isn't like picking on some third party small
22 business to get copies of their conclusions or the ways they
23 reached them. I'm not saying I'm not wading into
24 discoverability of those things or not. The AG is not on
25 the phone, and I'm not trying to say that they have to turn

1 these things over. But I suspect very strongly that the
2 defendants already have a great deal of information about
3 the AG's conclusions, how it reached them, whether they were
4 flawed, what information they looked at, what the weaknesses
5 are in their conclusions. In fact, I suspect that's been at
6 the heart of the work that the defendants have been doing in
7 all three aspects of this MDL.

8 So I am simply finding that it is not relevant.
9 That it's removed in time from the actual strength or
10 weakness of the Minnesota AG's conclusions. That it's
11 several levels removed in direct relevance, and that because
12 it is so fraught with issues of privilege when weighed
13 against a really theoretical remote theory of relevance,
14 that that actually does validly raise proportionality
15 concerns.

16 I don't agree that simply because the defendants
17 have had to produce a great deal of discovery in this case
18 that means that the plaintiffs cannot invoke proportionality
19 concerns. Proportionality has different facets and
20 different impacts in different ways of thinking about it.
21 And frankly, in a case like this, it is very little surprise
22 that the defendants would be in possession of many more of
23 the documents that are relevant to both sides than the
24 plaintiffs would, but that doesn't become a basis for the
25 defendants to be entitled to discover otherwise not relevant